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**MacPherson Kwok Chen & Heid LLP**

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**FACSIMILE COVER****OFFICIAL**

Date:	March 18, 2004		
To:	Martin Angebrannndt	Fax Telephone #:	(703) 872-9306
From:	Jon W. Hallman	Date Sent:	March 18, 2004
Subject:	Serial No. 09/854,333	Time Sent:	12:56 PM
Client/File:	M-9998-1P US	Fax Operator:	erh

This transmittal consists of 12 total page(s), including this cover sheet.

**Message:**

Please find the following attached:

- Transmittal Letter (in duplicate)
- Petition to Revive Abandoned Application
- Response to Office Action

If you do not receive all pages, please call (949) 752-7040

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**MacPherson Kwok Chen & Heid LLP**

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March 18, 2004

Mail Stop AMENDMENT  
 Commissioner For Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: Applicant(s): Brian S. Medower; Ian R. Redmond; David H. Davies  
 Assignee: DPHI Acquisitions, Inc.  
 Title: Optical Data Storage Medium With Enhanced Contrast  
 Serial No.: 09/854,333  
 Examiner: Martin Angebrannt  
 Docket No.: M-9998-1P US  
 Filed: May 11, 2001  
 Group Art Unit: 1756

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Facsimile Cover Sheet;
- (2) This Transmittal Letter (in duplicate);
- (3) Response to Office Action; and
- (4) Petition to Revive Abandoned Application.



No additional fee is required.



The fee has been calculated as shown below:

**CLAIMS AS AMENDED**

	Claims Remaining <u>After Amendment</u>		Highest No. Previously <u>Paid For</u>		Present <u>Extra</u>	<u>Rate</u>	Additional <u>Fee</u>
Total Claims	20	Minus	21	=	0	x \$9.00	\$ 0
Independent Claims	2	Minus	3	=	0	x \$43.00	\$ 0

**Total additional fee for this Amendment:**

\$



Fee for Petition to Revive

665.00



Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.



Please charge our Deposit Account No. 50-2257 in the amount of

\$

665.00



Also, charge any additional fees required and credit any overpayment to our Deposit Account No. 50-2257

Total: \$

665.00

I hereby certify that this correspondence is being facsimile transmitted to (703) 872-9306, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2004.

  
 Eric Hoover

March 18, 2004  
 Date of Signature

Respectfully submitted,



Jon W. Hallman  
 Attorney for Applicants  
 Reg. No. 42,622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brian S. Medower; Ian R. Redmond; David H. Davies  
Assignee: DataPlay, Inc.  
Title: Optical Data Storage Medium With Enhanced Contrast  
Serial No.: 09/854,333 Filing Date: May 11, 2001  
Examiner: Martin Angebrannt Group Art Unit: 1756  
Docket No.: M-9998-1P US

Irvine, California  
March 18, 2004

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION

Dear Sir:

Pursuant to 37 C.F.R. 1.137(b), Applicants hereby petition the Commissioner of Patents and Trademarks to revive application number 09/854,333 which was unintentionally abandoned. The application became abandoned on January 31, 2002. The undersigned hereby states that the entire delay from December 27, 2003 to the filing of this petition was unintentional.

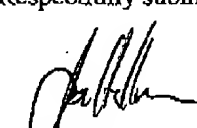
In compliance with 37 C.F.R. 1.137(b), this petition is accompanied by a response, the petition fee, a transmittal, and a statement by a person registered to practice before the U.S. Patent and Trademark Office that the delay was unintentional. In compliance with 37 C.F.R. 1.137(b)(2), the Commissioner is authorized to charge Deposit Account No. 50-2257 the amount of \$665.00 (the petition fee as required by 37 C.F.R. 1.17(m)) for this petition to Revive and any other fees that are necessary for the revival of this application.

I hereby certify that this correspondence is facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450, at 703-872-9306, on March 18, 2004.

  
Eric Hoover

March 18, 2004  
Date of Signature

Respectfully submitted,

  
Jon Hallman  
Attorney for Applicant(s)  
Reg. No. 42,622

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